IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 2078 of 1995

Between:

Bheemireddy Sreerama Murthy S/o.Pentayya
R/o.Yerakannapalem, Narsipatnam Mandal,
Visakhapatnam Distrcit.

..... PETITIONER

AND

1 The State of A.P. Rep. by its Secretary, Revenue Department Secretariat, Hyderabad.
2 The Special Deputy Collector Land Acquisition,

Yeleru Left Main Canal,
Anakapalli at present Revenue Divisional Officer, Narsipatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the 2nd Respondent herein to refer the matter to Civil Court u/s.18 of the Land Acquisition Act relating to Sy.Nos.26/10 A2, 21 A/2 and 21 A/3 an extent of more than 0.12 cents of Yerakannpalem Village, Narsipatnam Mandal, Visakhapatnam District for fixation of proper compensation to the petitioner herein and to pass such other order or orders as this

Hon'ble Court may deem fit and proper.
Counsel for the Petitioner: MR.K.SUBRAHMANYAM
Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following:

THE HONOURABLE SRI JUSTICE

R. SUBHASH REDDY

WRIT PETITION NO.2078 OF 1995

ORDER:

This Writ Petition is filed, seeking Writ of Mandamus, to direct the second respondent-Special Deputy Collector, to refer the matter to Civil Court under Section 18 of the Land Acquisition Act, 1894, to adjudicate the market value of the lands acquired in Sy.Nos. 26/10, A2,21A/2 and 21A/3, admeasuring Ac.0.12 cents, situated in Yerakannapalem Village, Narasipatnam Mandal of Visakhapatnam District.

As stated in the affidavit filed in support of the Writ Petition, it is the case of the petitioner that the lands in Sy.Nos. 26/10, A2,21A/2 and 21A/3, admeasuring Ac.0.12 cents, situated in Yerakannapalem Village, Narasipatnam Mandal of Visakhapatnam District were notified under the provisions of the Land

Acquisition Act, 1894 and award was passed in Award No. 20 of 1986, on 20-3-1986. It is his case that as the said Award did not represent the market value of the lands acquired, within a weak after passing of the Award, he made application on 26-3-1986 to the second respondent-Special Deputy Collector to refer the matter to Civil Court under Section 18 of the Land Acquisition Act, 1894. It is the further case of the petitioner that though he filed application within the statutory period, in accordance with the provisions of the Land Acquisition Act, 1894 and in spite of several oral and written requests, the second respondent did not refer the matter to Civil Court; as such, he come up with this Writ Petition.

In the counter affidavit filed on behalf of the second respondent, it is stated that after passing of the Award, notice was served on the petitioner as required under Section 12(2) of the Land Acquisition Act, 1894 and the petitioner did not file any application to refer the matter to Civil Court under Section 18 of the Land Acquisition Act, 1894. It is further stated that the petitioner had received the compensation along with other awardees without any protest, and, nearly after nine years, he filed this Writ Petition.

On behalf of the petitioner, no rejoinder is filed to the counter affidavit filed by the respondents.

In this case, it is to be seen, the respondents have denied the receipt of any application from the petitioner to refer the matter under Section 18 of the Land Acquisition Act, 1894. Though it is stated by the petitioner that he has

submitted an application on 26-3-1986 with reference to the award passed on 20-3-1986, but he has filed this Writ Petition in the year 1995, nearly after nine years of passing of the Award. There is no valid explanation forthcoming from the petitioner to explain such abnormal delay and laches on his part, in approaching this Court. Though the learned Counsel for the petitioner relied on the judgment in the case of *P.Tata Rao Vs. A.P. Small Scale Industries Development Corporation Limited,* but in the very same case, the Division Bench of this Court disapproved the claim of the petitioner in the year 1993 disputing the quantum of terminal benefits paid in the year 1984 and held that repeated representations does not provide any excuse for the long delay. In this case, inasmuch as the respondents have denied receipt of the representation from the petitioner as alleged by him, to refer the matter under Section 18 of the Land Acquisition Act, 1894, and, also in view of unexplained abnormal delay of nine years, I am of the considered view that the petitioner is not entitle for any relief at this point of time in a petition filed under Article 226 of the Constitution of India. Having regard to the same, I do not find any merit in the Writ Petition.

The Writ Petition is accordingly dismissed. No costs.

JUSTICE R. SUBHASH REDDY

DATED: 08-12-2004.

DR/Msnr.

To

1 The State of A.P. Rep. by its Secretary, Revenue Department Secretariat, Hyderabad.
2 The Special Deputy Collector Land Acquisition,

Yeleru Left Main Canal,
Anakapalli at present Revenue Divisional Officer, Narsipatnam, Visakhapatnam District.

3 2CCs to Government Pleader for Land Acquisition,

High Court Buildings, Hyderabad. (OUT)

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